

REMARKS

Reconsideration and allowance of the present patent application based on the following remarks are respectfully requested.

By this Response, no claims are amended, added or cancelled. Accordingly, after entry of this Response, claims 29, 32-36, 38 and 41-47 will remain pending in the patent application.

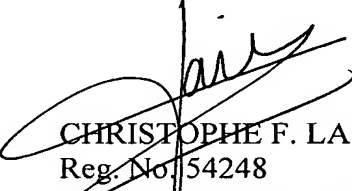
Claims 29, 38 and 42 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,347,145 to Kato *et al.* (hereinafter "Kato"). Claims 32-34 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4 and 6 of Kato. Without taking a position with respect to the merits or substance of these rejections and while preserving the right to distinguish over the cited reference, which is commonly owned, Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) to overcome these rejections. Accordingly, Applicant respectfully submits that these rejections are moot.

Applicant has addressed all the Examiner's rejections and respectfully submits that the application is in condition for allowance. A notice to that effect is earnestly solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

  
CHRISTOPHE F. LAIR  
Reg. No. 54248  
Tel. No. 703.770.7797  
Fax No. 703.770.7901

CFL/smm  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900

Encl: Terminal Disclaimer